

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE FASHION EXCHANGE LLC,

Plaintiff,

v.

HYBRID PROMOTIONS, LLC, *et al.*,

Defendants.

No. 1:14-cv-01254 (SHS)

**DECLARATION OF MARK J.
ROSENBERG IN OPPOSITION TO
PLAINTIFF'S RULE 56(D) MOTION**

I, Mark J. Rosenberg, hereby declare:

1. I am a member of the law firm of Tarter Krinsky & Drogin LLP ("TKD"), attorneys for Defendants. Unless otherwise stated, I have personal knowledge of the facts and circumstances set forth herein.

2. I submit this declaration in opposition to Plaintiff's motion pursuant to Rule 56(d) to stay or deny Defendants' motion for partial summary judgment.

3. Attached hereto as Exhibit A is a true and correct copy of the transcript of the January 21, 2020 court conference in this matter before Magistrate Judge Wang.

4. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's February 21, 2020 letter to the Court withdrawing its request for discovery from the Retailer Defendants.

Dated: New York, New York
April 27, 2020

/s/ Mark J. Rosenberg

Mark J. Rosenberg